

REMARKS:Status

After entry of this response, Claims 40, 42, and 44 to 60 are pending. Claim 40 has been amended, and claim 60 has been added. Claims 40, 50 and 55 are the independent claims.

Claim Rejections

Claims 40, 42, 44, and 46 to 49 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,883,884 (Atkinson) in view of U.S. Patent No. 6,603,753 (Bedekar). Applicant respectfully traverses this rejection.

Independent claim 40 recites the following:

40. A method of controlling communication between a base station controller and customer premises equipment, comprising steps of:
selecting, by said base station controller, one or more access points between said base station controller and said customer premises equipment for sending a message;
controlling, by said base station controller, physical parameters and media access control parameters for said access points;
controlling, by said access points, routing and switching of said message to or from said customer premises equipment; and
sending said message through said access points from said base station controller to said customer premises equipment or from said customer premises equipment to said base station controller.

The applied Atkinson reference is not seen by Applicant to disclose or to suggest the foregoing features of claim 40, at least with respect to “controlling, by said access points, routing and switching of said message to or from said customer premises equipment.”

In this regard, the Office Action cited col. 9, lines 5 to 14, of Atkinson for teaching this feature. The cited portion of Atkinson is reproduced below:

Repeaters 101-106 typically select an outbound RF channel in a manner substantially similar to the process utilized in base units as described above in relation to

FIG. 3. Further, repeaters 101-106 select the strongest RF channel transmission in a manner substantially similar to the procedure utilized by remote units as described above in relation to FIG. 6. Repeaters do not transmit any inbound TDMA bursts originating from a remote unit not associated with the base of the repeater as determined from the system ID block 427 (FIG. 4B). Repeaters may be built into user ...

This text does not appear to Applicant to teach that Atkinson's repeaters control routing and switching of message to or from customer premises equipment. Rather, the language discusses selection of a strongest RF channel transmission.

Applicant further submits that Atkinson at least partially teaches against having its repeaters control routing and switching of messages. In particular, the following text at col. 3, line 64, to col. 4, line 5, of Atkinson appears to Applicant to teach that its "common equipment 107" is responsible for control of routing and switching:

Common equipment 107 typically performs switching and control functions of a private automatic branch exchange, key service unit, or a central office in a public telephone network application. Although the preferred embodiment relates to telephone applications, other applications are equally applicable to the principles of the invention, including data or video applications where common equipment 107 performs routing or switching functions necessary to deliver information to a user.

This common equipment is not equivalent to the access points recited by claim 40, as is evident from Figure 1 of Atkinson.

Thus, Atkinson is not seen by Applicant to teach claim 40's feature of "controlling, by said access points, routing and switching of said message to or from said customer premises equipment."

Bedekar was newly cited in the outstanding Office Action as teaching elements that have been canceled from claim 40 and moved to new dependent claim 60. Bedekar does not remedy the foregoing deficiencies of Atkinson. In particular, Bedekar does not appear to even teach access points through which messages are sent from a base station controller to customer premises equipment. It necessarily follows that Bedekar does not teach claim 40's feature of "controlling, by said access points, routing and switching of said message to or from said customer premises equipment."

In view of the foregoing, claim 40 and its dependent claims are believed to be allowable over the cited art. Such action is respectfully requested.

Independent claim 50 recites a base station controller substantially corresponding to method claim 40. Likewise, independent claim 55 recites a memory that stores steps substantially corresponding to method claim 40. The major differences among these independent claims are matters of form. For example, claim 40 recites the step of "controlling, by said access points, routing and switching of said message to or from said customer premises equipment," whereas claims 50 and 55 recite the feature "wherein said access points control routing and switching of said message to or from said customer premises equipment." These differences in form arise because claim 40 recites an overall method with steps performed by both a base station controller and access points, whereas

claims 50 and 55 recite steps performed by a base station controller further limited by a wherein clause describing steps relegated to access points.

In view of the foregoing, claims 50 and 55 also are believed to be allowable over the cited art. Such action is respectfully requested.

No Admission

Applicant's decision not to argue the dependent claims separately is not an admission that the subject matter of those claims is taught by the applied art.

Closing

In view of the foregoing amendments and remarks, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at (614) 205-3241. All correspondence should continue to be directed to the address indicated below.

Respectfully submitted,



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